

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1144*

House Bill No. 1430

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-11-106, is amended by deleting subdivision (a)(36) and substituting instead:

(36) "Serious bodily injury":

(A) Means bodily injury that involves:

- (i) A substantial risk of death;
- (ii) Protracted unconsciousness;
- (iii) Extreme physical pain;
- (iv) Protracted or obvious disfigurement;
- (v) Protracted loss or substantial impairment of a function of a

bodily member, organ, or mental faculty; or

(vi) A broken bone of a child who is twelve (12) years of age or less; and

(B) Includes, for the purposes of any offense where the relationship between the defendant and the victim is such that the victim is a domestic abuse victim, as defined by § 39-13-111, bodily injury that involves:

- (i) A broken bone, regardless of the victim's age;
- (ii) Damage to the palette or other sensory function, including, but not limited to, the ears, mouth, eyes, or nose, that requires medical repair or reconstruction;
- (iii) Tearing of ligaments or muscle tissue;



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(iv) Dislocation of joints;

(v) Abrasions to the neck, face, or chest; or

(vi) Substantial bruising to body;

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

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AMEND Senate Bill No. 1349

House Bill No. 1062*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-203, is amended by deleting subsection (a) and substituting:

(a) As used in this section, "intellectual disability" means:

- (1) Significantly subaverage general intellectual functioning;
- (2) Deficits in adaptive behavior; and
- (3) The intellectual disability must have manifested during the developmental period, or by eighteen (18) years of age.

SECTION 2. Tennessee Code Annotated, Section 39-13-203, is amended by adding the following as a new subsection:

(g)

(1) A defendant who has been sentenced to the death penalty prior to the effective date of this act and whose conviction is final on direct review may petition the trial court for a determination of whether the defendant is intellectually disabled. The motion must set forth a colorable claim that the defendant is ineligible for the death penalty due to intellectual disability. Either party may appeal the trial court's decision in accordance with Rule 3 of the Tennessee Rules of Appellate Procedure.

(2) A defendant shall not file a motion under subdivision (g)(1) if the issue of whether the defendant has an intellectual disability has been previously adjudicated on the merits.



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SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.